

Senate File 2154 - Introduced

SENATE FILE 2154
BY COMMITTEE ON STATE
GOVERNMENT

(SUCCESSOR TO SSB 3022)

A BILL FOR

1 An Act relating to the licensure of the practice of
2 naturopathic medicine.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 147.1, subsections 3 and 6, Code 2011,
2 are amended to read as follows:

3 3. "*Licensed*" or "*certified*", when applied to a physician
4 and surgeon, podiatric physician, osteopathic physician
5 and surgeon, naturopathic physician, physician assistant,
6 psychologist, chiropractor, nurse, dentist, dental hygienist,
7 dental assistant, optometrist, speech pathologist, audiologist,
8 pharmacist, physical therapist, physical therapist assistant,
9 occupational therapist, occupational therapy assistant,
10 respiratory care practitioner, practitioner of cosmetology
11 arts and sciences, practitioner of barbering, funeral
12 director, dietitian, marital and family therapist, mental
13 health counselor, social worker, massage therapist, athletic
14 trainer, acupuncturist, nursing home administrator, hearing aid
15 dispenser, or sign language interpreter or transliterator means
16 a person licensed under this subtitle.

17 6. "*Profession*" means medicine and surgery, podiatry,
18 osteopathic medicine and surgery, naturopathic medicine,
19 practice as a physician assistant, psychology, chiropractic,
20 nursing, dentistry, dental hygiene, dental assisting,
21 optometry, speech pathology, audiology, pharmacy, physical
22 therapy, physical therapist assisting, occupational therapy,
23 occupational therapy assisting, respiratory care, cosmetology
24 arts and sciences, barbering, mortuary science, marital
25 and family therapy, mental health counseling, social work,
26 dietetics, massage therapy, athletic training, acupuncture,
27 nursing home administration, hearing aid dispensing, or sign
28 language interpreting or transliterating.

29 Sec. 2. Section 147.2, subsection 1, Code 2011, is amended
30 to read as follows:

31 1. A person shall not engage in the practice of medicine
32 and surgery, podiatry, osteopathic medicine and surgery,
33 naturopathic medicine, psychology, chiropractic, physical
34 therapy, physical therapist assisting, nursing, dentistry,
35 dental hygiene, dental assisting, optometry, speech pathology,

1 audiology, occupational therapy, occupational therapy
2 assisting, respiratory care, pharmacy, cosmetology arts and
3 sciences, barbering, social work, dietetics, marital and
4 family therapy or mental health counseling, massage therapy,
5 mortuary science, athletic training, acupuncture, nursing
6 home administration, hearing aid dispensing, or sign language
7 interpreting or transliterating, or shall not practice as a
8 physician assistant, unless the person has obtained a license
9 for that purpose from the board for the profession.

10 Sec. 3. Section 147.13, subsection 1, Code 2011, is amended
11 to read as follows:

12 1. For medicine and surgery, osteopathic medicine and
13 surgery, ~~and~~ acupuncture, and naturopathic medicine, the board
14 of medicine.

15 Sec. 4. Section 147.74, Code 2011, is amended by adding the
16 following new subsection:

17 NEW SUBSECTION. 22A. A naturopathic physician licensed
18 under chapter 148F may use the words "*naturopathic physician*",
19 "*naturopathic doctor*", "*doctor of naturopathy*", "*naturopathic*
20 *medical doctor*", "*doctor of naturopathic medicine*", "*naturopath*"
21 or the initials "*N.D.*" or "*N.M.D.*" after the person's name.

22 Sec. 5. Section 147.107, Code Supplement 2011, is amended by
23 adding the following new subsection:

24 NEW SUBSECTION. 8A. A licensed naturopathic physician
25 may prescribe all substances and devices consistent with the
26 level of training of the naturopathic physician unless added
27 to the exclusionary naturopathic formulary by the naturopathic
28 advisory council.

29 Sec. 6. Section 148E.3, subsection 1, Code 2011, is amended
30 to read as follows:

31 1. A person otherwise licensed to practice medicine and
32 surgery, osteopathic medicine and surgery, naturopathic
33 medicine, chiropractic, podiatry, or dentistry who is
34 exclusively engaged in the practice of the person's profession.

35 Sec. 7. NEW SECTION. 148F.1 **Definitions.**

1 As used in this chapter, unless the context otherwise
2 requires:

3 1. "*Approved naturopathic medical program*" means any of the
4 following:

5 a. A naturopathic medical education program in the
6 United States providing the degree of doctor of naturopathy
7 or doctor of naturopathic medicine. Such program shall
8 offer graduate-level, full-time didactic and supervised
9 clinical training and shall be accredited, or shall have
10 achieved candidacy status for accreditation by the council
11 on naturopathic medical education or by an equivalent
12 federally recognized accrediting body for naturopathic medical
13 programs also recognized by the board. Additionally, the
14 program shall be an institution, or part of an institution of
15 higher education that is either accredited or is a candidate
16 for accreditation by a regional or national institutional
17 accrediting agency recognized by the United States secretary
18 of education.

19 b. A diploma-granting, degree-equivalent college or
20 university in Canada that offers graduate-level, full-time
21 didactic and supervised clinical training and is accredited, or
22 has achieved candidacy status for accreditation by the council
23 on naturopathic medical education or an equivalent federally
24 recognized accrediting body for naturopathic medical programs
25 also recognized by the board; and the college or university
26 has provincial approval for participation in government-funded
27 student aid.

28 2. "*Board*" means the board of medicine established in
29 section 147.13.

30 3. "*Director*" means the executive director of the board of
31 medicine.

32 4. "*Exclusionary naturopathic formulary*" means the
33 exclusionary list of medicines, nonprescription and
34 prescription, which naturopathic physicians may not use in the
35 practice of their profession, as determined by the naturopathic

1 advisory council.

2 5. "*Minor office procedures*" means methods for the repair
3 and care incidental to superficial lacerations and abrasions,
4 superficial lesions, and the removal of foreign bodies located
5 in the superficial tissues.

6 6. "*Naturopathic advisory council*" means the naturopathic
7 advisory council as established under this chapter.

8 7. "*Naturopathic medicine*" means a system of primary health
9 care for the prevention, diagnosis, and treatment of human
10 health conditions, injury, and disease, and the promotion or
11 restoration of health. "*Naturopathic medicine*" includes the use
12 of physiological, psychological, or mechanical methods, and the
13 use of natural medicines, prescription or legend drugs, foods,
14 herbs, or other natural remedies.

15 8. "*Naturopathic physician*" means a practitioner of
16 naturopathic medicine who has been properly licensed for that
17 purpose by the board of medicine under this chapter, who may
18 diagnose, treat, and help prevent diseases using a system
19 of practice that is based on the natural healing capacity
20 of individuals, and may use physiological, psychological,
21 or mechanical methods, and may use natural medicines,
22 prescription, or legend drugs, foods, herbs, or other natural
23 remedies.

24 9. "*Prescription drug*" means any drug described in section
25 503(b) of the federal Food, Drug and Cosmetic Act, 21 U.S.C. §
26 353, if its label is required to bear the symbol "RX only".

27 Sec. 8. NEW SECTION. 148F.2 Licensure — naturopathic
28 medicine.

29 1. *Qualifications for licensure*. An applicant for a license
30 to practice naturopathic medicine shall be granted a license
31 by the board if the applicant satisfies all of the following
32 requirements:

33 a. Submits an application for licensure designed and
34 approved by the naturopathic advisory council.

35 b. Pays an application fee established by the board.

1 *c.* Has graduated from an approved naturopathic medical
2 program.

3 *d.* Has passed a competency-based national naturopathic
4 licensing examination administered by the north American board
5 of naturopathic examiners or successor agency, that has been
6 nationally recognized to administer a naturopathic examination
7 representing federal standards of education and training. For
8 applicants who completed an approved naturopathic medical
9 program located in Canada, eligibility for licensure may be
10 granted with evidence of successful passage of a Canadian
11 provincial competency examination.

12 *e.* Provides evidence that the applicant is of good ethical
13 and professional reputation. An applicant shall not have had
14 a license to practice naturopathic medicine or other health
15 care license registration or certificate refused, revoked,
16 or suspended by this state or any other jurisdiction for
17 reasons that relate to the applicant's ability to skillfully
18 and safely practice naturopathic medicine unless that license,
19 registration, or certification has been restored to good
20 standing.

21 *f.* Provides evidence that the applicant is physically and
22 mentally capable of safely practicing naturopathic medicine
23 with or without reasonable accommodation.

24 2. *Term of license.* A license granted pursuant to this
25 section shall be renewed every two years.

26 Sec. 9. NEW SECTION. 148F.3 Use of title — exceptions.

27 1. A person shall not represent that the person is a
28 naturopathic physician, a doctor of naturopathic medicine, a
29 doctor of naturopathy, a naturopath, or as being otherwise
30 authorized to practice naturopathic medicine in this state, or
31 use the titles "N.D.," or "N.M.D.," or any other titles, words,
32 letters, abbreviations, or insignia indicating or implying that
33 the individual is a licensed naturopathic physician unless
34 the individual has been licensed as a naturopathic physician
35 pursuant to this chapter without first obtaining from the board

1 a license to practice naturopathic medicine pursuant to the
2 provisions of this chapter.

3 2. The practice of naturopathic medicine by a naturopathic
4 physician licensed pursuant to this chapter does not constitute
5 the practice of medicine and surgery under chapter 148, the
6 practice of osteopathic medicine and surgery under chapter 148,
7 or the practice of nursing under chapter 152.

8 3. This chapter and chapter 147 do not prevent qualified
9 members of other professions including but not limited
10 to individuals licensed under chapter 148, 150, 150A, or
11 152 from providing services consistent with the nature of
12 naturopathic medicine, but these persons shall not use a title
13 or description denoting that they are licensed naturopathic
14 physicians.

15 Sec. 10. NEW SECTION. 148F.4 **Duties of board.**

16 The board shall adopt rules consistent with this chapter,
17 chapter 147, and as recommended by the naturopathic advisory
18 council which are necessary for the performance of its duties.

19 Sec. 11. NEW SECTION. 148F.5 **Naturopathic advisory council.**

20 1. A naturopathic advisory council is established,
21 consisting of the following members, appointed by the governor:

22 a. Four members who are naturopathic physicians who are
23 residents of the state of Iowa and who are currently licensed
24 in good standing in another state.

25 b. One member who is a pharmacist licensed in Iowa.

26 c. One member who is a medical or osteopathic physician
27 licensed in Iowa, who has expertise in integrative medicine.

28 d. One member representing the general public.

29 2. Members shall not receive per diem or expense payments.

30 3. Members shall serve two-year terms, and shall serve until
31 their successors have been appointed.

32 4. The council shall select a chairperson from its
33 membership.

34 Sec. 12. NEW SECTION. 148F.6 **Council powers and duties.**

35 The naturopathic advisory council shall do all of the

1 following:

2 1. Advise the board regarding standards for licensed
3 naturopathic physicians.

4 2. Provide for distribution of information regarding
5 licensed naturopathic physician standards.

6 3. Advise the board on enforcement issues.

7 4. Review applications for licensure and license renewal
8 and recommend the granting or denial thereof.

9 5. Advise the board on issues related to receiving and
10 investigating complaints, conducting hearings, and imposing
11 disciplinary action in relation to complaints against licensed
12 naturopathic physicians.

13 6. Review naturopathic education and training for and
14 make specific recommendations to the board regarding the
15 qualifications to practice naturopathic childbirth attendance.

16 7. Recommend to the board any prescription drugs which
17 should be included on the exclusionary naturopathic formulary.

18 8. Advise the board regarding approval of continuing
19 education programs specific to naturopathic practice.

20 Sec. 13. NEW SECTION. 148F.7 **Scope of practice.**

21 A naturopathic physician may do any of the following:

22 1. Order and perform physical and laboratory examinations
23 consistent with naturopathic education and training for
24 diagnostic purposes, including but not limited to phlebotomy,
25 clinical laboratory tests, orificial examinations, and
26 physiological function tests.

27 2. Order diagnostic imaging studies consistent with
28 naturopathic training. All diagnostic tests not consistent
29 with naturopathic medical education and training must be
30 referred for performance and interpretation to an appropriately
31 licensed health care professional.

32 3. Dispense, administer, order, and prescribe, provide, or
33 perform the following, as applicable:

34 a. Food, extracts of food, nutraceuticals, vitamins, amino
35 acids, minerals, enzymes, botanicals and their extracts,

1 botanical medicines, homeopathic medicines, and all dietary
2 supplements and nonprescription drugs as defined by the federal
3 Food, Drug, and Cosmetic Act, 21 U.S.C. § 301 et seq.

4 *b.* Prescription or legend drugs and hormonal replacement.

5 *c.* Hot or cold hydrotherapy, naturopathic physical medicine,
6 and therapeutic exercise.

7 *d.* Devices, including but not limited to therapeutic
8 devices, barrier contraception, and durable medical equipment.

9 *e.* Health education and health counseling.

10 *f.* Repair and care incidental to superficial lacerations and
11 abrasions.

12 *g.* Removal of foreign bodies located in the superficial
13 tissues.

14 *h.* Musculoskeletal manipulation consistent with
15 naturopathic education and training.

16 4. Utilize routes of administration that include oral,
17 nasal, auricular, ocular, rectal, vaginal, transdermal,
18 intradermal, subcutaneous, intravenous, and intramuscular
19 consistent with the education and training of a naturopathic
20 physician.

21 5. Perform all therapies as trained and educated, and
22 approved by the naturopathic advisory council.

23 Sec. 14. NEW SECTION. 148F.8 Prohibitions.

24 A naturopathic physician licensed under this chapter shall
25 not do any of the following:

26 1. Perform or induce abortions.

27 2. Perform surgical procedures except those minor office
28 procedures authorized by this chapter.

29 3. Practice or claim to practice as a medical or osteopathic
30 physician, dentist, pharmacist, podiatrist, optometrist,
31 psychologist, advanced practice registered nurse, physician
32 assistant, chiropractor, physical therapist, acupuncturist, or
33 any other health care provider not authorized in this chapter
34 unless licensed by the state of Iowa as such.

35 4. Use general or spinal anesthetics.

1 5. Administer ionizing radioactive substances for
2 therapeutic purposes.

3 6. Administer or prescribe chemotherapeutic medications for
4 the purpose of cancer treatment.

5 7. Perform surgical procedures of the eye, ear, nerves,
6 veins, or arteries extending beyond superficial tissue.

7 Sec. 15. NEW SECTION. 148F.9 Exemptions.

8 Nothing in this chapter shall be construed to prohibit or
9 restrict:

10 1. The practice of a profession by individuals who are
11 licensed, certified, or registered under other laws of this
12 state who are performing services within their authorized scope
13 of practice.

14 2. The practice of naturopathic medicine by an individual
15 employed by the government of the United States while the
16 individual is engaged in the performance of duties prescribed
17 by the laws and regulations of the United States.

18 3. The practice of naturopathic medicine by students
19 enrolled in an approved naturopathic medical program. The
20 performance of services shall be pursuant to a course of
21 instruction or assignments from an instructor and under the
22 supervision of the instructor. The instructor shall be a
23 naturopathic physician licensed pursuant to this chapter or a
24 duly licensed professional in the instructed field.

25 4. Persons from treating themselves and family members
26 based on religious or health beliefs.

27 5. Persons who sell vitamins and herbs from providing
28 information about their products.

29 6. Persons or practitioners from advising in the use of
30 a therapy, including but not limited to: herbal medicine,
31 homeopathy, nutrition, or other nondrug or nonsurgical therapy
32 that is within the scope of practice of naturopathic physicians
33 as outlined in this chapter as long as such therapy is lawful,
34 or, if a licensed health care provider, within the scope of
35 practice of the profession; and provided that such person is

1 not using a title protected pursuant to this chapter or holding
2 themselves out to be a naturopathic physician.

3 7. The practice of naturopathic medicine by persons who
4 are licensed to practice in any other state as practicing
5 naturopathic physicians, who enter this state to consult with
6 a licensed naturopathic physician in this state; provided,
7 however, that the consultation is to be limited to examination,
8 recommendation, or testimony in litigation.

9 Sec. 16. FUNDING. The board of medicine shall apply
10 to the department of administrative services to request an
11 allocation of moneys from the IowaAccess revolving fund to fund
12 the estimated seventy-five thousand dollars for creation of a
13 licensing management system to allow licensure of naturopathic
14 physicians under the system being developed for the boards
15 of dentistry, nursing, and medicine. The board shall not
16 implement a fee increase to make this adjustment to the system
17 for naturopathic physicians. Until such changes are made
18 to the electronic licensing system the board shall license
19 naturopathic physicians under the current procedures used to
20 license medical and osteopathic physicians.

21 EXPLANATION

22 This bill requires the licensing of naturopathic physicians
23 and makes the provisions of Code chapter 147, including
24 penalty and other regulatory provisions, applicable to other
25 health professions applicable to the practice of naturopathic
26 medicine. The bill provides that the practice of naturopathic
27 medicine means the provision of naturopathic services defined
28 as a system of primary health care for the prevention,
29 diagnosis, and treatment of human health conditions, injury,
30 and disease, and the promotion or restoration of health.
31 Naturopathic medicine includes the use of physiological,
32 psychological, or mechanical methods, and the use of natural
33 medicines, prescription or legend drugs, foods, herbs, or
34 other natural remedies. The bill specifies qualifications
35 for licensure and the scope of practice for a naturopathic

1 physician, and details functions that a naturopathic physician
2 may not perform.

3 The practice of naturopathic medicine is regulated by the
4 board of medicine, with the advice of a naturopathic advisory
5 council. The council consists of seven members, four of
6 whom are naturopathic physicians, one medical or osteopathic
7 physician, a pharmacist, and one member representing the
8 general public. The council does not receive a per diem or
9 expenses.

10 The bill provides that qualified members of other
11 professions, including physicians and nurses, are not prevented
12 from providing services consistent with naturopathic medicine,
13 but these persons shall not use a title or description denoting
14 that they are naturopathic physicians. The bill sets out these
15 titles.

16 The bill provides for inclusion of licensed naturopathic
17 physicians in a license management system. This system is a
18 network disk archiver system currently used by the boards of
19 nursing, dentistry, and medicine.